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AT ROANOKE, VA

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5/9/2024

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s/A. Beeson
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

EUGENE ROSS COUSINS,

Plaintiff,

V.

COL. ERIC YOUNG, ET AL.,

Defendants.

Case No. 7:23CV00746

OPINION

JUDGE JAMES P. JONES

Eugene Ross Cousins, Pro Se Plaintiff.

The plaintiff, Eugene Ross Cousins, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging that he suffered injuries when he slipped in applesauce while performing his duties as a kitchen worker at a local jail. The court entered an Order conditionally filing the case and directing Cousins to return specific financial information as needed to arrange for collection of the filing costs for the case through withholding from his trust account. The Order also warned Cousins that failure to notify the Court of a change in his mailing address would result in dismissal of the case without prejudice.¹ On November 17, 2023, Cousins notified the court that he had been released from incarceration and provided a

¹ A copy of this Order mailed to Cousins was later returned to the court as undeliverable.

mailing address. A copy of a subsequent court Order mailed to Cousins at that address on April 22, 2024, was returned to the court as undeliverable. The returned envelope indicated that authorities were unable to forward the mailing. It is self-evident that the court must have a viable address by which to communicate reliably with Cousins about this case.

Based on Cousin's failure to provide the court with a current mailing address, I conclude that he is no longer interested in pursuing this civil action. Therefore, I will dismiss the action without prejudice for failure to prosecute. *Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance);

An appropriate Order will issue herewith.

DATED: May 9, 2024

/s/ JAMES P. JONES

Senior United States District Judge